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Filing date: **03/16/2010**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

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|---------------------------|--|
| Proceeding | 91188903 |
| Party | Defendant Fabasoft AG |
| Correspondence Address | STEWART J. BELLUS COLLARD & ROE, P.C. 1077 NORTHERN BLVD ROSLYN, NY 11576-1614 UNITED STATES sbellus@collardroe.com |
| Submission | Motion to Suspend for Civil Action |
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| Date | 03/16/2010 |
| Attachments | apple.pdf (3 pages)(65159 bytes) |

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

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APPLE INC.,

Opposer,

Opposition No. 91188903

v.

FABASOFT AG,

Applicant.
-----X

MOTION TO SUSPEND OPPOSITION

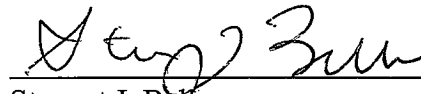
Applicant, FABASOFT AG, hereby moves to suspend this opposition based on the following:

1. In Hamburg, Germany, there is pending litigation in a district court between Apple Inc. (the Opposer here) and "APP. STRUDL SOFTWARE GMBH (a subsidiary of Fabasoft AG, the Applicant here). The case number is 312 0 794-09, and the marks being challenged by Apple, Inc. are "app-strudl" and "app-strudl SOFTWARE - TELEMETRY" (word mark + design).
2. Applicant's mark at issue in the current opposition is APPLSTRUDL, which is very similar to the marks in dispute in Germany.
3. While litigation in Germany will not be determinative in this U.S. opposition, it could have an impact on how the parties view their positions in the United States, and could affect settlement.

4. In order to avoid needless expenses through opposition proceedings in the United States, Applicant respectfully requests that the U.S. opposition be suspended for six (6) months pending resolution of the dispute in Germany.
5. Applicant has contacted counsel for Opposer, but has not been able to obtain consent for this suspension request.

WHEREFORE, Applicant respectfully requests that this Board suspend the current opposition for six (6) months.

FABASOFT AG



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Date: March 16, 2010

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing MOTION TO SUSPEND OPPOSITION has this 16th day of March, 2010, been sent by prepaid First Class Mail to the following attorneys for Opposer:

Joseph Petersen
Stephen Jadie Coates
Alicia Grahn Jones
Kilpatrick Stockton LLP
31 West 52nd Street, 14th Floor
New York, NY 10019



Stewart J. Bellus